

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN BILL THOMAS**, on February 17, 2003 at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Thomas, Chairman (R)
Rep. Arlene Becker, Vice Chairman (D)
Rep. Mark Noennig, Vice Chairman (R)
Rep. Steven Gallus (D)
Rep. Ray Hawk (R)
Rep. Daniel S. Hurwitz (R)
Rep. Larry Jent (D)
Rep. Penny Morgan (R)
Rep. Holly Raser (D)
Rep. Don Roberts (R)
Rep. Ron Stoker (R)
Rep. Jonathan Windy Boy (D)

Members Excused: Rep. Tom Facey (D)

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
CJ Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp for these minutes appears at the end of the content it refs to.

Committee Business Summary:

Hearing & Date Posted: HB 592, HJ 19, HB 542, 2/10/2003

Executive Action: None

HEARING ON HB 592

Sponsor: REP. VERONICA SMALL-EASTMAN, HD 6, Lodge Grass

Opening Statement by Sponsor:

REP. SMALL-EASTMAN opened the hearing on HB 592 and stated that this bill will allow a tracking system for the West Nile Virus. She informed the Committee members that the Department of Public Health and Human Services (DPHHS) will be the agency that will handle this system. The sponsor also gave a brief explanation about the origination of the virus, how it is transported, the medical problems that arise from the virus and the procedure for handling it.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6.5}

Proponents' Testimony:

Terry Krantz, State of Montana, DPHHS, Communicable Disease and Control Program, informed the Committee that this bill will permit, but not require, a vector tracking program. He spoke of the current number of cases of the disease in Montana. The approximate cost of the program is borne currently by Centers for Disease Control, with the cost being \$211,000. He added that this program should not have any impact on the General Fund.

EXHIBIT(huh35a01)

{Tape: 1; Side: A; Approx. Time Counter: 6.5 - 9.1}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. ROBERTS, HAWK, HURWITZ, STOKER, NOENNIG, and WINDY-BOY questioned the sponsor and Mr. Krantz about the vaccines that are available. They discussed if those vaccines are available for humans, not just animals, authority issues, veterinary care, the human cases and what type of carrier infected them. Upon further questioning, the issues of funding by the Centers for Disease Control was addressed, as well as if any grants have been written for that funding.

Susan Fox, Legislative Staffer, distributed an amendment clarifying the language.

EXHIBIT (huh35a02)

{Tape: 1; Side: A; Approx. Time Counter: 9.1 - 25.6}

Closing by Sponsor:

REP. SMALL-EASTMAN closed the hearing on HB 592 and spoke of the cost of the vaccines and follow-up of keeping horses alive.

{Tape: 1; Side: A; Approx. Time Counter: 25.6 - 26.6}

HEARING ON HJ 19

Sponsor: **REP. HOLLY RASER, HD 70, Missoula**

Opening Statement by Sponsor:

REP. RASER opened the hearing on HJR 19 by informing the Committee that this was brought forward originally as a bill by a constituent that has a child with disabilities and going through the application process for Medicaid, SSI, CHIP, etc.

In this constituent's application process, there was noted to be paperwork that was duplicated and needed to be streamlined.

The sponsor continued to give information as to the methods that could be shortened, what other states are doing this, and the positive outcome that could be accomplished.

{Tape: 1; Side: A; Approx. Time Counter: 26.6 - 28.1}

Proponents' Testimony:

Hank Hudson, State of Montana, DPHHS, spoke in support of HJ 19 and the streamlining process that would be addressed by this proposal. He also spoke of an additional bill by **REP. HURWITZ** that speaks to the re-design of Medicaid and would coordinate carefully with them.

{Tape: 1; Side: A; Approx. Time Counter: 28.1 - 30}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.5}

Opponents' Testimony: None

Informational Testimony:

Tony Plummer-Alvernaz spoke regarding HJ 13 and its passage from this Committee. She further referred to some amendments that REP. WINDY-BOY had requested that were inclusive to tribal governments. The amendment was regarding the federal Medicaid consultation requirement for any systemic changes within the Medicaid program and public assistance program.

{Tape: 1; Side: B; Approx. Time Counter: 3.5 - 5.5}

Questions from Committee Members and Responses:

REPS. WINDY-BOY and ROBERTS questioned the sponsor and Mr. Hudson. They discussed HJ 13 and the amendments proposed as it relates to the resolution, third-party payments, a short-fall of funding from the Federal level and some percentage of eligibility for Medicaid from tribal roles.

{Tape: 1; Side: B; Approx. Time Counter: 5.5 - 7.4}

Closing by Sponsor:

REP. RASER closed the hearing on HJ 19 by stating that this bill is a continuation from the 1999 Legislative Session. She stated that this bill is not to restrict the application; it is to make it a less-onerous job for application of services.

{Tape: 1; Side: B; Approx. Time Counter: 7.4 - 8.2}

HEARING ON HB 542

Sponsor: REP. EVE FRANKLIN, HD 42, Great Falls

Opening Statement by Sponsor:

REP. FRANKLIN opened the hearing on HB 542 by stating that this bill will update the Occupational Therapy Practice Act to make it more consistent with their model act. One other reason for this bill is to address continuing education requirements and a procedure that will be described therein.

{Tape: 1; Side: B; Approx. Time Counter: 8.2 - 10.8}

Proponents' Testimony:

Susan Good, Montana Orthopedic Society, rose in support of HB 542.

{Tape: 1; Side: B; Approx. Time Counter: 10.8 - 11.2}

Judy Bolewicz, Montana Occupational Therapy Association of Montana, rose in support of HB 542 and explained the amendments that her organization would like in the bill.

{Tape: 1; Side: B; Approx. Time Counter: 11.2 - 30}

Terry Caulkins, Montana Occupational Therapists Association, rose in support of HB 542. He spoke of and demonstrated various procedures that this bill would address such as: ultrasound, phonophoresis, electrical stimulation and iontophoresis. Mr. Caulkins distributed his written testimony and the current state requirements.

EXHIBIT (huh35a03)

EXHIBIT (huh35a04)

{Tape: 2; Side: A; Approx. Time Counter: 0 - 11.5}

Rebecca Norton, Occupational Therapist and past president of Montana Occupational Therapists Association, spoke in support of HB 542 as it stands. She distributed her written testimony.

EXHIBIT (huh35a05)

{Tape: 2; Side: A; Approx. Time Counter: 11.5 - 13}

Pat Melby, Montana Medical Association, rose in strong support of HB 542. He spoke to the physical therapists in the audience of the public safety issue that has been raised, stating that it will not be impacted by this bill. He addressed the current Occupational Therapy Practices Act and its over-restrictiveness and distributed several letters in support of HB 542.

EXHIBIT (huh35a06)

Amy Sullivan, Association Manager, Montana Occupational Therapy Association, distributed a packet of letters in support of HB 542 and occupational therapists. She spoke of the negotiation process, but it ended in no compromise; MOTA cannot compromise on the shoulder language. Even doctors stand in support of HB 542.

EXHIBIT (huh35a07)

{Tape: 2; Side: A; Approx. Time Counter: 13 - 23.5}

Opponents' Testimony:

Gary Lusin, Physical Therapist, went over his written testimony.

EXHIBIT (huh35a08)

Dr. Ann Williams, Director, Physical Therapy Program, U of M-Missoula, also a licensed PT, read her written testimony.

EXHIBIT (huh35a09)

{Tape: 2; Side: A; Approx. Time Counter: 23.5 - 30}

Steve Anderson, President of Montana Chapter of the American Physical Therapy Association, also a PT, distributed the standards for an occupational therapy (OT) program to be accredited. He also submitted a sample of the University of North Dakota's OT program.

EXHIBIT (huh35a10)

EXHIBIT (huh35a11)

Richard Smith, PT, past President of Montana Chapter of APTA, said this bill should be renamed to read the expansion of occupational therapy. He added that the language on Page 2, Line 7 is too broad and should be limited to "hand, wrist, and elbow."

{Tape: 2; Side: B; Approx. Time Counter: 0 - 10.4}

Mona Jamison, Attorney for the Montana Chapter of the APTA, and explained that this conflict between the PTs and OTs is beyond a "turf" battle. She explained that they are not the same practice, and distributed two exhibits. The first is of proposed amendments; the second includes a page from the Model OT Practice Act and other letters regarding the issue.

EXHIBIT (huh35a12)

EXHIBIT (huh35a13)

{Tape: 2; Side: B; Approx. Time Counter: 10.4 - 22.9}

CHAIRMAN THOMAS asked the remaining witnesses to state their name and position, due to the time constraints.

Jim McLane, PT from Frenchtown, opposes HB 542.

Mary Ann Kozel, PT from Kalispell, opposes HB 542.

Lisa Grossman, PT Clinician from Choteau, opposes HB 542.

Jennifer Smith, PT from St. Peters Hospital, Helena, opposes HB 542.

Steven Torcolette, PT from Missoula, opposes HB 542.

Informational Testimony: None

{Tape: 2; Side: B; Approx. Time Counter: 22.9 - 23.8}

Questions from Committee Members and Responses:

The Committee continued asking many questions regarding the amendment and language of the bill. They also discussed the differences between OTs and PTs and what training is required for each. The Committee even addressed the safety and potential injury issues resulting from the lesser training of OTs performing the same work as PTs.

{Tape: 2; Side: B; Approx. Time Counter: 23.8 - 30}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 30}

{Tape: 3; Side: B; Approx. Time Counter: 0 - 6.9}

Closing by Sponsor:

REP. FRANKLIN closed on HB 542.

CHAIRMAN THOMAS made a few closing remarks and closed the hearing on HB 542.

{Tape: 3; Side: B; Approx. Time Counter: 6.9 - 15.2}

ADJOURNMENT

Adjournment: 6:05 P.M.

REP. BILL THOMAS, Chairman

CJ JOHNSON, Secretary

BT/CJ

EXHIBIT (huh35aad)